

REMARKS

No claims have been amended, no claims have been canceled, and no new claims have been added. Claims 1-25 are therefore pending.

Claim Rejections - 35 USC § 103

A. Rejection of Claims 1, 7, 8, 11, 12, 15 and 21 citing Angles and Filepp

The Office Action rejects claims 1, 7, 8, 11, 12, 15 and 21 under 35 USC § 103(a) as unpatentable over the combination of Angles (US 5, 933,811) and Filepp (US 5,347,632) . This rejection is respectfully traversed. Claims 1, 7, 11, 15 and 21 are independent claims. Neither Angles nor Filepp teach the limitations for which they are cited. As such, the totality of the limitations recited in each of claims 1, 7, 8, 11, 12, 15 and 21 is neither taught nor suggested by the combination of references.

Generally, note that a client application and an Internet browser have distinctly different limitations as recited in the claims. The combination of references do not teach the client application and the browser application as claimed.

B. A Client Application and an Internet Browser Are Different

Claim 1 recites a client application “commencing an online session with the online server, **the client application operating independently of an Internet browser and operating concurrently with the Internet browser.**” (emphasis added)

Claim 1 further recites “the client application causing a client window to be displayed on the output device, the client window remaining visible so long as the online session persists and the **client window displayed independently of a browser window generated by the Internet browser.**” (emphasis added)

Most of the actions recited in claim 1 are performed by the client application.

The Final Office Action fails to provide prior art that teaches a client application as claimed and an Internet Browser as claimed. As such, the claims are patentable over the cited art.

C. Problems with the Final Office Action

1. Failure to Assert *Prima Facie* Obviousness

“To establish a *prima facie* case of obviousness, [. . .] the prior art reference (or references when combined) must teach or suggest all of the claim limitations.” MPEP 706.02(j). However, the Final Office Action does not do this. Although the Final Office Action includes a listing of limitations (pp. 2-3 in section 3.a-3.f), this list does not correspond to any of the independent claims.

Because the Final Office Action fails to make out a *prima facie* case of obviousness, the Final Office Action should be withdrawn and a new non-final Office Action should be issued in its place.

2. General Question

It appears that the Final Office Action asserts that a browser of Angles teaches much of the functionality of the claimed client application (Final Office Action, p.2-3, sections 3.a-3.f) , and that Filepp discloses an ad partition of page (Final Office Action, p. 3, lines 8-14). However, if this is so, nothing is presented as teaching the Internet browser that is recited in the claims. To state this another way, if the browser of Angles teaches the client application, and the teachings of Filepp are used to augment the functionality of the browser of Angles so that the combination teaches the client application, what teaches the Internet browser? Please explain.

3. Apparent Confusion of Angles

The Final Office Action states that a browser of Angles teaches all or at least much of the functionality claimed of the client application. (Final Office Action, p.2-3, sections 3.a-3.f) However, the Final Office Action also states that “the teaching of Felipp [sic] are relied on to modify the Angles reference that recites the Internet, the web and the browser.” (Final Office Action, p. 6, last sentence) It appears that in one location the Final Office Action states that Angles is cited for teaching the client application (p.2-3, sections 3.a-3.f) and then later contradicts itself in stating that Angles is cited for teaching an Internet browser. Please clear up this confusion. For what is Angles cited? For what is Filepp cited?

4. Angles

The Final Office Action states that a browser of Angles teaches all or at least much of the functionality claimed of the client application. (Final Office Action, p.2-3, sections 3.a-3.f)

However this is just not so. The browser of Angles cannot teach the client application recited in claim 1 because claim 1 also recites an Internet browser.

More specifically, the browser of Angles cannot teach or suggest a client application “commencing an online session with the online server” and “operating independently of an Internet browser and operating concurrently with the Internet browser”, “causing a client window to be displayed on the output device, the client window remaining visible so long as the online session persists and the client window displayed independently of a browser window generated by the Internet browser” as recited in claim 1 when the browser of Angles is an Internet browser.

5. Filepp

Although we respect the Examiner’s knowledge of Rooms, Viewpoint and Cedar Xerox software, this software was not IBM-compatible. This software existed for use on Xerox and/or Unix based computers. If the Examiner wishes to assert teachings from prior art, the Examiner is required to provide citations and provide copies of the cited art. We hereby request that the Examiner provide copies of the cited art if a rejection including references to this software is maintained.

Similarly, if the Examiner wishes to cite that certain functionality was included in a version of Microsoft Windows existed at a particular time, the Examiner is required to provided a document in support. We hereby request that the Examiner provide copies of the cited art if a rejection including references to Microsoft Windows is maintained.

That Rooms, Viewpoint and Cedar software as well as a version of Microsoft Windows existed in 1989 can not change the fact that Internet browsers were not in existence at the time of Filepp. In view of the history of the personal computer, the web, the Internet and browsers, Filepp can not be cited for the features recited in the independent claims concerning either or both an Internet browser and a client application.

The other new statements in the Final Office Action have no relevance to discussion of the claims. That, as the Final Office Action states, Filepp discloses accessing a network to receive new, industry, financial, hobby and other information is wholly irrelevant to the claims.

The Examiner states that Filepp discloses that “applications, i.e. information events, are composed of a sequence of one or more pages opened at screen 414 of monitor 412 (col. 8, lines 64-66). Please explain why this statement is made. Importantly, the cited sentence is followed by the following:

This is better seen with reference to FIG. 3a and 3b where a page 255 is illustrated as might appear at screen 414 of monitor 412. With reference to FIG. 3a, each page 255 is formatted into page partitions 250, 260, 280 and 290 (not to be confused with applications partitions). Window page partitions 275, well known in the art, are also available and are opened and closed conditionally on page 255 upon the occurrence of an event specified in the application being run. Each page partition 250-290 and window 275 is made up of a page element which define the content of the partition or window. (col. 8, line 66 - col. 9, line 9)

This section of Filepp teaches a page or window that can have multiple page partitions (that is, panes). Nothing more, nothing less. Please refer to the drawings (Figs. 3a and 3b) in view of the cited portions of the specification. A persistent pane in a multi-pane window/page like that taught in Filepp does not teach or suggest the limitation of the “client application causing a client window to be displayed on the output device, the client window remaining visible so long as the online session persists and the client window displayed independently of a browser window generated by the Internet browser” recited in claim 1.

Moreover, Filepp does not teach an Internet Browser. Moreover, Filepp does not teach a client application having the limitations recited in the claims. As such, the combination of cited art fails to teach or suggest the limitations recited in the independent claims. Therefore, all of the claims are patentable over the combination of Filepp and Angles.

6. Request for Withdrawal

Because of the deficiencies in the Final Office Action set forth above, we hereby request that the Final Office Action be withdrawn and that a new, non-final Office Action be issued in its place or that the Application be allowed.

Conclusion

In view of all of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited. We strongly request that the Examiner review the independent claims and reevaluate the cited prior art in view of the arguments presented above.

The Examiner is invited to call the undersigned attorney to answer any questions and to discuss steps necessary for placing the claims in condition for allowance.

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